

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 18TH JULY 2007 / 27TH ASHADHA 1929

WP(C).No. 35554 of 2004(G)

PETITIONER:

**MEENAKSHI, W/O.YOGENDRA ACHARYA
CHEPPURATH HOUSE, HOSANGADI, BANGRA,
MANJESHWAR.**

**BY ADV. SMT.T.D.RAJALAKSHMI
SRI.E.R.VENKATESWARAN
SRI.SACHIN VYAS**

RESPONDENTS:

**1. STATE OF KERALA,R EP. BY THE CHIEF
SECRETARY,SECRETARIAT, THIRUVANANTHAPURAM.**

**2. THE REVENUE DIVISIONAL OFFICER,
KASARAGOD, KANHANGAD.**

**3. V.M.FAROOK, MERCHANT,
BANGRA MANJESHWAR, KASARAGOD.**

**R3 BY ADV. SRI.T.SETHUMADHAVAN
SRI.PUSHPARAJAN KODOTH
SRI.K.JAYESH MOHANKUMAR
GOVERNMENT PLEADER SRI. MANOJ K.V.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 18/07/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C) NO: 35554/2004 G

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE PETITION FILED BEFORE THE STATION HOUSE OFFICER
MANJESHWAR POLICE STATION DT. 27/1/2003.

EXT.P2. COPY OF THE PETITION FILED BEFORE THE 1ST AND 2ND RESPONDENTS
DT.28/1/2003.

RESPONDENT'S EXHIBITS

EXT.R3A. COPY OF THE JUDGMENT DT. 30/11/04 IN OS NO. 136 AND 138/2003 OF THE
FILE OF THE MUNSIFF COURT, KASARAGOD.

True copy

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KURIAN JOSEPH, J.

W.P. (C). NO. 35554 OF 2004

Dated this the 18th day of July, 2007.

J U D G M E N T

This writ petition is filed with the following prayers:

- a) Issue a writ of mandamus or other appropriate writ, order or direction directing the respondents 1 and 2 to consider the petition/complaint Ext. P1 and P2 and pass appropriate orders.
- b) Issue a writ of prohibition restraining the 3rd respondent from obstructing the petitioner's property in any manner.

2. Inviting reference to Exhibit R3-A judgment of the Civil Court, it is submitted that there is no encroachment. Learned Government Pleader on instruction submits that on an enquiry by the Tahsildar it was found that the third respondent has still made some encroachment and hence proceedings were pending before the second respondent as M.C. No. 31/2003.

There will be a direction to the second respondent to dispose of the said proceedings with notice to the petitioner and third respondent within a period of four months from the date of receipt of a copy of this judgment.

This writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.